

REMARKS

In response to the Official Action mailed January 17, 2006, Applicant requests amendment of the application and reconsideration in view of the following remarks. In this Amendment, no claims are added and claim 1 is canceled. Claims 3, 5-12, 25, 27, and 35 are amended. Claims 2-3, 5-15, 17-27, and 29-37 remain pending in this application. All pending claims stand rejected.

I. 35 U.S.C. § 101 Non-Statutory Subject Matter Rejection of Claims

Claims 1-3, 5-12, 15, 17-27, and 29-36 are rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. That rejection is respectfully traversed.

The rejection of claim 1 is moot in view of its cancellation. The rejection of claims 3 and 11 is moot in view of the amendments, as those claims are now directed to computer-readable memory device. The rejection of claims 25-26, 27, and 39-36 is moot in view of the amendments, as those claims are now directed only to tangible computer-readable media.

Applicant respectfully submits that the rejection of claims 15 and 17-24 is erroneous. Those claims are directed to a method in a data processing system having a program for implementing an API. The data processing system implements the method, and thus the claims are clearly defined as steps in a computer-implemented process, not an abstraction. *In re Alapat*, 33 F.3d 1526, 31 USPQ2d 1545 (Fed. Cir. 1994). *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

II. 35 U.S.C. § 103 Obviousness Rejection of Claims

Claims 1-3, 5, 9, 10, 13-15, 17, 21, 22, 25, 26, 29, and 33-36 are rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Lewallen* (U.S. Patent No. 6,854,123) in view of

alleged Admitted Prior Art (APA). In addition, claims 6-8, 18-20, and 30-32 are rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Lewallen* in view of the alleged APA, in further view of *XPCOM*. Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being purportedly unpatentable over *Narin et al.* (U.S. Patent No. 6,691,176, hereinafter “*Narin*”) in view of the “The ActiveX Core Technology Reference.” Applicant respectfully traverses these rejections.

Applicant has twice traversed the Examiner’s assertion of “Admitted Prior Art.” Applicant never admitted that the cited portions of the specification were “prior art” as defined by law (See M.P.E.P. 2129 and 35 U.S.C. § 102). The Examiner has again asserted that the cited portions of the specification are “prior art,” and repeated this assertion without addressing Applicant’s traversal. “Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's arguments and answer the substance of it.” MPEP § 707.07(f). Applicant respectfully submits that, for clarity of the record, the Examiner is required to address Applicant’s traversal or else find new grounds for the rejection. A response to Applicant’s arguments is respectfully requested. Applicants further note there has been no admission of prior art, and nothing in the specification has been identified as the work of others. *Reading & Bates Construction Co. v. Baker Energy Resources Corp.*, 748 F.2d 645, 650, 223 USPQ 1168, 1172 (Fed. Cir. 1984) (“[W]here the inventor continues to improve upon his own work product, his foundational work product should not, without a statutory basis, be treated as prior art solely because he admits knowledge of his own work. It is common sense that an inventor, regardless of an admission, has knowledge of his own work.”).

The Examiner asserts that the scriptable and non-scriptable APIs of the alleged APA may be made accessible to one another via the bridges of *Lewallen*, and that this combination would have been obvious to one of ordinary skill in the art. (page 3, paragraph 5 of the Official Action). Applicant respectfully submits that this assertion is false. *Lewallen* relates to an interface bridge between a standard set of APIs and a user interface (UI) API of a user interface program. (See column 1, lines 22-28; column 3, lines 36-51; and column 4, lines 17-30 of *Lewallen*). There is absolutely nothing in *Lewallen* to suggest that the standard set of APIs is a scriptable plug-in APA or that the UI APA is a non-scriptable plug-in API. In fact, there is no basis for the Examiner's presumption that *Lewallen's* bridge could even work between the scriptable and non-scriptable plug-in APIs of the alleged APA. Compatibility between scriptable and non-scriptable plug-in APIs poses a very different problem than allowing a Java program user interface to have the same look and feel as the underlying web browser. (See column 4, lines 2-24 of *Lewallen*). Accordingly, there is no basis for a motivation to combine the references as proposed by the Examiner at least because there is no expectation that the proposed modification could work. For at least this reason, *prima facie* obviousness has not been established.

Furthermore, Applicant respectfully submits that the Examiner has used impermissible hindsight in constructing a motivation to combine the alleged APA and *Lewallen*. The Examiner asserts that it would have been obvious to make the proposed combination because it would "improve the efficiency of APA's [sic] system by allowing the java developer to utilize the APA interface standards to access non-Java components in the operating system." Applicant contends that the rationale for the Examiner's proposed motivation is based principally on information

gleaned from Applicant's disclosure, and is not based on suggestion found within the knowledge of one of ordinary skill at the time of the invention. The identification of a problem solved by the present invention, and thus the motivation to solve the problem, is found only in the present application. Thus, the Examiner's motivation to combine the alleged APA and *Lewallen* is impermissible. For at least this reason, *prima facie* obviousness has not been established.

Accordingly, Applicant submits that *Lewallen*, alone or in combination with other cited references, fails to teach or suggest all the limitations of claims 13, 25, and 37, and respectfully request that the rejection to these claims be withdrawn. Claims 3, 15, and 27 recite similar limitations and are thus allowable for at least the same reasons as given for claims 13, 25, and 37 respectively. Claims 5-10, 17-22, and 29-34 depend from independent claims 3, 15, and 27, respectively. Thus, claims 5-10, 17-22, and 29-34 should be deemed allowable for at least the same reasons as given for claims 3, 15, and 27.

Furthermore, *Lewallen*, alone or in combination with other cited references, fails to teach or suggest all of the limitations of claim 23. For example, *Lewallen* fails to teach or suggest a scriptable plug-in "able to perform an inter-thread call through [a] proxy support interface." The Examiner asserts that this limitation is taught by *Lewallen* at column 8, lines 34-39, which states:

In this way, the proxy object exposes the Java object and corresponding W3C API interface to one or more UI interfaces and objects. When processing calls to such a Java object, the bridge 4 would transform the call to the Java object to the multiple UI API interfaces specified in the proxy object to which the node info for the Java object points.

Notably, this portion of *Lewallen* says nothing of an "inter-thread call" as recited in claim 23.

Moreover, *Lewallen* suggests that the call is made to a Java object. In fact, a scriptable plug-in

would not need a proxy interface to call a Java object as it could call Java methods directly.

Thus, Applicant respectfully submits that *Lewallen* teaches neither a scriptable plug-in making a call through a proxy interface, nor an inter-thread call. Claims 11 and 35 recite similar limitations, and are thus allowable for at least the same reasons given for claim 23. Claim 12, 24, and 36 depend from claims 11, 23, and 35, respectively, and thus should be deemed allowable for at least the same reasons given for claims 11, 23, and 35.

With respect to independent claim 11 as amended and with reference to exemplary Figures 6A and 6B, Applicant teaches, for example, a scriptable plug-in API that includes a “scriptable plug-in” 600 and a proxy support interface (e.g., non-scriptable interface support proxy or “nsISupports Proxy” in Fig. 6B) that is operatively configured to allow the scriptable plug-in 600 to perform inter-thread calls through said proxy support, such as an inter-thread call to a non-scriptable plug-in.

Narin discloses that “the service manager [190] and interface [(either ActiveX control interface 195 or Plug-In interface 196)] act as a proxyon behalf of the scripting space” of the respective browser. (See *Narin*, Col. 14:43-46; Fig. 8B). *Narin* further discloses that the service manager and interface proxy “are provided to form a communication line [i.e., a single thread] between the scripting space and the services” of the ActiveX control or Plug-In. (See *Narin*, Col. 14:41-43; Fig. 8B). But *Narin* fails to teach or suggest that the service manager and interface proxy allows a scriptable plug-in to perform an inter-thread call as taught and claimed by the Applicant, for example, to another scriptable plug-in or to a non-scriptable plug-in.

Accordingly, Applicant submits that *Narin*, alone or in combination with other cited references, fails to teach all the limitations of claim 11, and respectfully request that the rejection

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to these claims be withdrawn. Claims 12 depends from independent claim 11. Thus, claim 12 should be deemed allowable for at least the same reasons as given for claim 11.

III. Conclusion

In view of the above amendments and remarks, Applicant submits that claims 2-3, 5-15, 17-27 and 29-37 are allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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